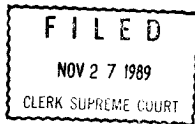


IN THE COURT OF APPEALS OF IOWA

No. 9-478 / 89-263



IN RE THE MARRIAGE OF KANDY CROUCH AND KENNETH R. CROUCH

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Upon the Petition of

KANDY CROUCH,

Petitioner-Appellant,

and Concerning

KENNETH R. CROUCH,

Respondent-Appellee.

Appeal from the Iowa District Court for Mills County,
Paul H. Sulhoff, Judge.

Petitioner challenges the custody and economic provisions of her dissolution decree. **AFFIRMED IN PART, VACATED IN PART, AND REMANDED.**

G. Elizabeth Otte, Council Bluffs, for appellant.

F. E. Ebersold of Smith, Peterson, Beckman & Willson,
Council Bluffs, for appellee.

Heard by Schlegel, P.J., and Sackett and Habhab, JJ.

SACKETT, J.

Petitioner-appellant Kandy Crouch appeals her dissolution decree contending she should have been awarded physical care of the parties' two children, and the economic provisions of the decree were not equitable. We affirm in part, vacate in part, and remand.

Kandy and respondent-appellee Kenneth Crouch were married in 1978. Shortly after marriage Kenneth adopted Kandy's son, Joshua. A second son, Justin, was born to the parties in August 1980. Kenneth is a farmer. At the time of the dissolution, Kandy was operating an aerobics studio and managed a store in Omaha.

The trial court entered a decree awarding the parties joint custody of their children with physical care to Kenneth. The trial court divided the parties' assets and ordered Kandy to pay \$100 per month per child for child support. Kandy challenges the award of physical care to Kenneth and also challenges the property and child support awards.

I.

Kandy contends she should have been awarded physical care of the two boys. Both parents have been loving and attentive parents. The trial court determined it had confidence in both parents and the decision as to which parent should have physical care was a tough decision. On our de novo review, we agree with the trial court's assessment of the situation.

Our primary concern is always for the best interest of the child. Kenneth has a more secure and stable existence. His employment allows flexibility to conform to his sons' schedules. The boys have been involved in farm and 4-H projects. By staying with their father on the farm, they can continue these projects. They also will enjoy the stability of a familiar environment. We find no reason to disturb the trial court's decision to place physical care with Kenneth.

II.

Kandy's next challenge is to the property division made by the trial court. The parties owned no farmland. They had farm machinery, livestock, and produce. These items were awarded to Kenneth, as were all the farm debts. Kandy had an interest in aerobics studios in rented buildings. The trial court awarded the aerobics studios to Kandy. The trial court made no specific finding as to the total net worth of the parties and the value of the property awarded to each.

The trial court's and our assessments of the parties' actual economic situation has been complicated by the failure of both parties to submit accurate and complete financial information. Kenneth by his own admission has submitted an inaccurate financial statement. There is no evidence as to the value of Kandy's aerobics studios or what her current income is from her duties managing the Omaha store.

It is impossible to accurately assess the property division and child support award with the evidence presented. An equitable resolution of these issues is important to these parties and their minor children. When a record is not sufficient to assess these issues, the case should be remanded. See In re Locke, 246 N.W.2d 246, 253 (Iowa 1976); In re Marriage of Voss, 396 N.W.2d 801, 804 (Iowa App. 1986).

We affirm the custody award. There is sufficient evidence on that issue and the resolution of the issue need not be prolonged.

We vacate the alimony and child support provisions of the decree and remand to the trial court, which shall take additional evidence on these issues and enter a final decree, allocating the parties' property and debt and fixing child support to be paid by Kandy by December 31, 1989. Either party may then appeal from the property division and the child support issues as determined in that decree. Each party shall pay his or her own attorney fees on appeal, and one-half of the appellate court costs.

AFFIRMED IN PART, VACATED IN PART, AND REMANDED.

Schlegel, P.J., concurs; Habhab, J., concurs in part and dissents in part.

HABHAB, J. (concurring in part and dissenting in part)

I concur with that part of the majority's opinion that affirms the trial court's custody award. I also concur that each party should pay his or her own attorney fees and one-half of the appellate court costs. However, I dissent as to the remainder of the opinion. I would affirm the trial court in all respects.